

Message Text

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TAGS: PFOR NO OVIP (KISSINGER, HENRY A)

SUBJ: SECVISIT: NORWEGIAN/SOVIET BARENTS SEA BOUNDARY

1. THE ISSUE

NORWAY WILL MEET THE USSR IN MOSCOW THIS MAY OR JUNE FOR THE THIRD ROUND OF TALKS ON DETERMINATION OF THEIR BOUNDARY IN THE BARENTS SEA. NORWAY WANTS AN EQUIDISTANCE (MEDIAN) LINE; THE USSR ASSERTS THAT THE BOUNDARY SHOULD BE BASED ON THE "SPECIAL CIRCUMSTANCES" PROVISIONS OF THE 1958 CONTINENTAL SHELF CONVENTION WHICH WOULD LEAD TO A BOUNDARY TO THE WEST OF A MEDIAN LINE COINCIDENT WITH THE SOVIET SECTOR CLAIM. THIS 1958 CONVENTION PROVIDES: "IN THE ABSENCE OF AGREEMENT, AND UNLESS ANOTHER BOUNDARY LINE IS JUSTIFIED BY SPECIAL CIRCUMSTANCES, THE BOUNDARY SHALL BE DETERMINED BY THE APPLICATION OF THE PRINCIPLE OF EQUIDISTANCE ..." THE AREA BETWEEN AN EQUIDISTANCE AND SECTOR LINE IS 155,000 SQUARE KILOMETERS. IN ADDITION TO SUBSTANTIAL FISHERY RESOURCES, AND CONTESTED AREA MAY WELL CONTAIN OIL RESERVES OF CONSIDERABLE INTEREST TO BOTH COUNTRIES. LAST YEAR, PERHAPS IN AN EFFORT TO SPOOK THE NORWEGIANS, THE SOVIETS TEST-FIRED A MISSILE INTO THE DISPUTED AREA.

SO FAR THE SOVIET -NORWEGIAN TALKS, WHICH BEGAN IN NOVEMBER 1974 HAVE ACCOMPLISHED LITTLE MORE THAN TABLING THE TWO COUNTRIES' POSITIONS, ALTHOUGH NORWAY OFFERED MINOR CONCESSIONS INVOLVING STRAIGHTENING THEIR LINE IN DECEMBER 1975. BOTH SIDES HAVE SAID THAT DELIMITATION SHOULD BE BASED ON PURELY LEGAL GROUNDS.
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THE TALKS ARE LIKELY TO DRAG ON FOR SOME TIME.

2. NORWEGIAN POSITION

NORWAY CONSIDERS THAT SPECIAL GEOGRAPHICAL CIRCUMSTANCES ARE THE ONLY ACCEPTABLE SPECIAL CIRCUMSTANCES ARGUMENT UNDER THE 1958 CONVENTION AND REJECT SOVIET ARGUMENTS WHICH INCLUDE STRATEGIC INTERESTS, LARGER LOCAL POPULATION, AND A LONGER COAST LINE IN THE AREA. HOWEVER, NORWAY WISHES TO REACH AGREEMENT ON A BOUNDARY AS RAPIDLY AS POSSIBLE, BELIEVING THAT SPECIAL CIRCUMSTANCES ARE LIKELY TO BE WIDENED OVER TIME BY PRECEDENT AND BY THE LOS CONFERENCE AND THAT FAILURE TO REACH EARLY AGREEMENT USUALLY FAVORS LARGER COUNTRIES OVER SMALLER ONES. NORWAY PLANS TO EXTEND ITS FISHING LIMITS TO 200 MILES IN EARLY 1977 AND HAS INDICATED THAT SOME TEMPORARY ARRANGEMENTS INVOLVING THE IMPORTANT FISH

RESOURCES IN THE BOUNDARY AREA MAY BE NECESSARY, EVEN THOUGH THIS COULD REDUCE PRESSURE FOR EARLY AGREEMENT. NORWAY WOULD PROBABLY SETTLE FOR A BOUNDARY LINE HALF-WAY BETWEEN A MEDIAN AND A SECTOR LINE, ESPECIALLY IF IT COULD BE AGREED UPON SOON.

3. THE U.S. POSITION

WE WISH TO LIMIT TO THE EXTENT POSSIBLE THE WESTWARD EXPANSION OF SOVIET JURISDICTION IN THE BARENTS SEA. WE AND OTHER SIGNATORIES, INCLUDING THE USSR, MAY ALSO HAVE SOME MINING RIGHTS IN THE BOUNDARY AREA UNDER THE 1920 SPITZBERGEN TREATY. HOWEVER, WE HAVE LITTLE KNOWLEDGE OF MINERAL RESOURCES THERE, OUR RIGHTS UNDER THE 1920 TREATY ARE UNCLEAR AND ARE STILL BEING STUDIED, NORWAY ASSERTS THAT THE TREATY DOES NOT APPLY TO THE CONTINENTAL SHELF BEYOND THE TERRITORIAL SEA.

4. TALKING POINTS

--WE ARE FOLLOWING THE BOUNDARY TALKS CLOSELY.

-- THE UNITED STATES SUPPORTS NORWAY IN ITS EFFORTS TO LIMIT THE WESTWARD EXPANSION OF SOVIET JURISDICTION IN THE BARENTS SEA.

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--WE HOPE NORWAY WILL CONTINUE TO KEEP US CLOSELY ADVISED OF DEVELOPMENTS AND WILL CONSULT US BEFORE AGREEING TO A BOUNDARY.
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